

STAYED

**U.S. District Court  
Northern District of Alabama (Northeastern)  
CIVIL DOCKET FOR CASE #: 5:18-cv-01312-LCB**

Center for Biological Diversity v. US Fish and Wildlife Service  
Assigned to: Judge Liles C Burke  
Cause: 05:552 Freedom of Information Act

Date Filed: 08/16/2018  
Jury Demand: None  
Nature of Suit: 895 Freedom of Information Act  
Jurisdiction: U.S. Government Defendant

**Plaintiff**

**Center for Biological Diversity**

represented by **Amy R Atwood**  
CENTER FOR BIOLOGICAL  
DIVERSITY  
P. O. Box 11374  
Portland, OR 97322  
971-717-6401  
Fax: (971) 283-5528  
Email: [atwood@biologicaldiversity.org](mailto:atwood@biologicaldiversity.org)  
**LEAD ATTORNEY**  
**PRO HAC VICE**  
**ATTORNEY TO BE NOTICED**

**Elise Pautler Bennett**  
CENTER FOR BIOLOGICAL  
DIVERSITY  
P. O. Box 2155  
St. Petersburg, FL 33731  
727-755-6590  
Fax: (503) 283-5528  
Email: [ebennett@biologicaldiversity.org](mailto:ebennett@biologicaldiversity.org)  
**LEAD ATTORNEY**  
**PRO HAC VICE**  
**ATTORNEY TO BE NOTICED**

**Mark E Martin**  
MARK E MARTIN LLC  
P O Box 1486  
Oneonta, AL 35121  
205-516-9350  
Email: [mmartin@markemartin.com](mailto:mmartin@markemartin.com)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

V.

**Defendant**

**US Fish and Wildlife Service**

represented by **Jay E Town, US Attorney**  
US ATTORNEY'S OFFICE  
1801 4th Avenue North  
Birmingham, AL 35203-2101  
244-2001  
Email: [Caseview.ecf@usdoj.gov](mailto:Caseview.ecf@usdoj.gov)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Mary Lester Marshall**  
United States Attorneys Office  
1801 Fourth Avenue North  
Birmingham, AL 35203  
205-244-2121

Fax: 205-244-2181  
Email: [Margaret.marshall@usdoj.gov](mailto:Margaret.marshall@usdoj.gov)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

Date Filed	#	Docket Text
08/16/2018	<u>1</u>	COMPLAINT for Declaratory and Injunctive Relief against US Fish and Wildlife Service filed by Center for Biological Diversity.(AHI) (Entered: 08/16/2018)
08/16/2018	<u>2</u>	NOTICE Of Assignment of Case to a United States Magistrate Judge for Trial (AHI) (Entered: 08/16/2018)
08/16/2018	<u>3</u>	Corporate Disclosure Statement by Center for Biological Diversity. filed by Center for Biological Diversity (Martin, Mark) (Entered: 08/16/2018)
08/17/2018	<u>4</u>	MOTION for Leave for Amy R. Atwood to Appear <i>Pro Hac Vice</i> by Center for Biological Diversity. (Attachments: # <u>1</u> Declaration)(Martin, Mark) Modified on 8/17/2018 (SPT). (Entered: 08/17/2018)
08/17/2018	<u>5</u>	MOTION for Leave for Elisa Pautler Bennett to Appear <i>Pro Hac Vice</i> by Center for Biological Diversity. (Attachments: # <u>1</u> Declaration)(Martin, Mark) Modified on 8/17/2018 (SPT). (Entered: 08/17/2018)
08/17/2018		Filing Fee: Filing fee \$ 400, receipt_number 1126-3154574 (B4601091383). related document <u>1</u> COMPLAINT for Declaratory and Injunctive Relief against US Fish and Wildlife Service filed by Center for Biological Diversity.(AHI). (Martin, Mark) (Entered: 08/17/2018)
08/17/2018		PHV Fee paid: \$ 50, receipt number 1126-3154581 (B4601091985). (Martin, Mark) (Entered: 08/17/2018)
08/17/2018		PHV Fee paid: \$ 50, receipt number 1126-3154584 (B4601091384). (Martin, Mark) (Entered: 08/17/2018)
08/17/2018	<u>6</u>	TEXT ORDER granting <u>4</u> Motion for Leave to Appear Pro Hac Vice of Amy R. Atwood; granting <u>5</u> Motion for Leave to Appear Pro Hac Vice of Elisa Pautler Bennett. Signed by Magistrate Judge Herman N Johnson, Jr on 8/17/18. (LBG, ) (Entered: 08/17/2018)
08/20/2018	<u>7</u>	Summons Issued as to US Fish and Wildlife Service, U.S. Attorney and U.S. Attorney General by Clerk and delivered to Plaintiff for service. (BJL ) (Entered: 08/20/2018)
08/22/2018	<u>8</u>	Alias Summons Issued as to US Fish and Wildlife Service, U.S. Attorney and U.S. Attorney General by Clerk and delivered to Plaintiff for service. (BJL) (Entered: 08/22/2018)
09/21/2018	<u>9</u>	NOTICE of Appearance by Mary Lester Marshall on behalf of US Fish and Wildlife Service (Marshall, Mary) (Entered: 09/21/2018)
09/21/2018	<u>10</u>	ANSWER to Complaint by US Fish and Wildlife Service.(Marshall, Mary) (Entered: 09/21/2018)
09/24/2018	<u>11</u>	NOTICE OF CASE REASSIGNMENT: The parties having not unanimously consented to the dispositive jurisdiction by a Magistrate Judge, this case has been randomly reassigned to the Honorable Abdul K. Kallon. Please use case number 5:18-cv-1312-AKK on all subsequent pleadings. (BJL) (Entered: 09/24/2018)
09/25/2018	<u>12</u>	SUMMONS Returned Executed by Center for Biological Diversity. US Fish and Wildlife Service served on 9/4/2018, answer due 9/25/2018. (Attachments: # <u>1</u> Service c/o US Attorney, # <u>2</u> Service c/o Attorney General)(Martin, Mark) (Entered: 09/25/2018)
09/26/2018	<u>13</u>	SUMMONS Returned Executed by Center for Biological Diversity. (Attachments: # <u>1</u> Return served c/o Attorney General, # <u>2</u> Return served c/o US Attorney)(Martin, Mark) (Entered: 09/26/2018)

09/26/2018	<u>14</u>	ORDER SETTING PRETRIAL CONFERENCE AND TRIAL: Rule 26 Meeting Report due by 11/26/2018; Pretrial Conference set for 3/11/2020 at 9:30 AM; Bench Trial set for 4/13/2020 at 9:00 AM; in the Hugo L Black US Courthouse, Birmingham, AL before Judge Abdul K Kallon. Signed by Judge Abdul K Kallon on 9/26/2018. (AFS) (Entered: 09/26/2018)
09/27/2018	<u>15</u>	ALND UNIFORM INITIAL ORDER GOVERNING ALL FURTHER PROCEEDINGS reminding parties of their obligations under FRCP26(f) – with appendices attached. Signed by Judge Abdul K Kallon on 9/27/2018. (KSS) (Entered: 09/27/2018)
10/12/2018	<u>16</u>	<i>First Amended</i> ANSWER to <u>1</u> Complaint by US Fish and Wildlife Service.(Marshall, Mary) (Entered: 10/12/2018)
10/29/2018	<u>17</u>	NOTICE OF REASSIGNMENT Case Reassigned to Judge Liles C Burke. Judge Abdul K Kallon no longer assigned to the case. Please use case number 5:18-cv-01312-LCB on all subsequent filings. (AFS) (Entered: 10/29/2018)
10/31/2018	<u>18</u>	ORDER that the pretrial conference set for 3/11/2020, and the trial set for 4/13/2020 are CONTINUED and will be reset at a later date. Signed by Judge Liles C Burke on 10/31/2018. (AHI) (Entered: 10/31/2018)
11/19/2018	<u>19</u>	REPORT of Rule 26(f) Planning Meeting. (Marshall, Mary) (Entered: 11/19/2018)
12/12/2018	<u>20</u>	SCHEDULING ORDER: that certain time limits and deadlines apply as set out in this order; Discovery due by 5/27/2019; Dispositive Motions due by 6/28/2019; Witness and Exhibit Lists due by 7/26/2019; Trial ready by 8/2019. Signed by Judge Liles C Burke on 12/12/2018. (AHI) (Entered: 12/12/2018)
06/19/2019	<u>21</u>	Joint MOTION for Extension of Time <i>to File Dispositive Motions</i> by Center for Biological Diversity. (Attachments: # <u>1</u> Text of Proposed Order)(Bennett, Elise) (Entered: 06/19/2019)
06/24/2019	22	TEXT ORDER granting <u>21</u> Joint Motion to Extend Deadline for Dispositive Motions. Dispositive motion deadline is extended to July 31, 2019. Signed by Judge Liles C Burke on 6/24/2019. (NDH) (Entered: 06/24/2019)
07/31/2019	<u>23</u>	Joint MOTION to Stay re 22 Order on Motion for Extension of Time by Center for Biological Diversity. (Attachments: # <u>1</u> Text of Proposed Order)(Bennett, Elise) (Entered: 07/31/2019)
07/31/2019	24	TEXT ORDER granting <u>23</u> Motion to Stay. This action is stayed until August 31, 2019. On September 3, 2019, the parties shall file a joint status report indicating that the matter has settled OR a joint proposed scheduling order, including a proposed dispositive motion deadline. Signed by Judge Liles C Burke on 7/31/2019. (NDH) (Entered: 07/31/2019)
08/30/2019	<u>25</u>	Joint MOTION to Stay re 24 Order on Motion to Stay, by Center for Biological Diversity. (Attachments: # <u>1</u> Text of Proposed Order)(Bennett, Elise) (Entered: 08/30/2019)
09/03/2019	26	TEXT ORDER granting <u>25</u> Joint Motion to Extend Stay. This action is stayed until September 30, 2019, to allow the parties time to finalize an agreement resolving same. Parties shall file a joint status report on September 30, 2019; if the action is not fully resolved, the parties shall include in the status report joint proposed pretrial deadlines and a ready for trial date. Signed by Judge Liles C Burke on 9/3/2019. (NDH) (Entered: 09/03/2019)